

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF:

KENNETH CHARLES LABERTA
BONNIE LOUISE LABERTA

Debtors

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CASE NO. 05-40309

DECISION AND ORDER

At Fort Wayne, Indiana, on August 30, 2005.

The notice of motion and opportunity to object which debtors (hereinafter “Movant”) served in connection with their modification of chapter 13 plan does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not adequately “state the relief sought” by the modification. N.D. Ind. L.B.R. B-2002-2(c)(3).
- b. The notice does not “contain a brief summary of the ground for the modification or have a copy of the modification attached to it.” N.D. Ind. L.B.R. B-2002-2(c)(4). Although the notice states that a copy of the modification is attached to it, there is no attachment to the notice filed with the court.
- c. The notice is not accompanied by a copy of the court’s order authorizing notice to creditors and establishing deadlines for filing objections. N.D. Ind. L.B.R. B-2002-2(e).

Since creditors and parties in interest have not been given appropriate notice of the modification and the opportunity to object thereto, the court cannot confirm the chapter 13 plan at this time. Movant shall prepare and serve an Amended Notice of Motion and Opportunity to Object which complies with N.D. Ind. L.B.R. B-2002-2 and file proof thereto within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in confirmation of the

chapter 13 plan being denied without prejudice and without further notice.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court